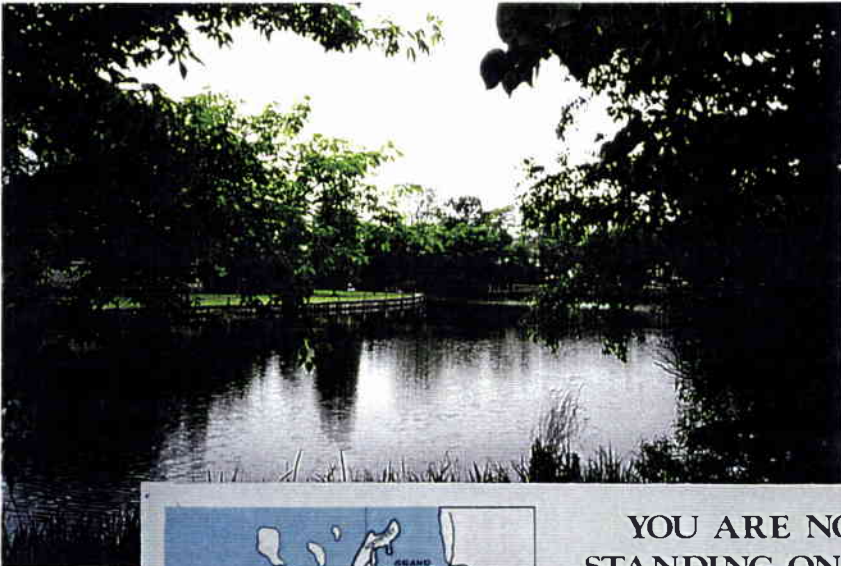


The Thirteenth Judicial Circuit Court Annual Report 2001



YOU ARE NOW
STANDING ON THE
45TH PARALLEL OR
HALF WAY BETWEEN
THE NORTH POLE
& THE EQUATOR



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INTRODUCTION

Welcome to the Thirteenth Judicial Circuit Court. The Circuit Court is a trial court of general jurisdiction which hears civil cases involving damages or loss of \$25,000 or more, matters in equity including such things as requests for injunctive relief, domestic relations matters, appellate review of lower courts and tribunals, and criminal felony cases. The Family Division of the Circuit Court, which was created in 1998, has jurisdiction over juvenile criminal cases, child abuse and neglect, guardianships of juveniles, and adoption proceedings, as well as domestic relations matters. Each County Probate Judge is the Presiding Judge of the Family Division within his county of election. The Chief Judge of the Circuit is responsible for the supervision of the Family Division.

For the 2001 Law Day theme, the Michigan State Bar Association selected “Protecting the Best Interest of Our Children.” The Courts of this State and of the United States have frequently emphasized the importance of the family. The rights to conceive and to raise one’s children have been deemed “essential,” *Meyer v Nebraska*, 262 US 390, 399; 43 S Ct 625, 626; 67 L Ed 1042 (1923), “basic civil rights,” *Skinner v Oklahoma*, 316 US 535, 541; 62 S Ct 1110, 1113; 86 L Ed 1655 (1942), and “(r)ights far more precious . . . than property rights,” *May v Anderson*, 345 US 528, 533; 73 S Ct 840, 843; 97 L Ed 1221 (1953). “It is cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder.” *Prince v Massachusetts*, 321 US 158, 166; 64 S Ct 438, 442; 88 L Ed 645 (1944). The integrity of the family unit has found protection in the Due Process Clause of the Fourteenth Amendment, *Meyer v Nebraska*, *supra* at 399, the Equal Protection Clause of the Fourteenth Amendment, *Skinner v Oklahoma*, *supra* at 541, and the Ninth Amendment, *Griswold v Connecticut*, 381 US 479, 496; 85 S Ct 1678; 14 L Ed2d 510 (1965) (Goldberg, J., concurring).

Although children generally are protected by the same constitutional guarantees against governmental deprivations as are adults, the State is entitled to adjust its legal system to account for children’s vulnerability and their needs for “concern, . . . sympathy, and . . . paternal attention.” *Bellotti v Baird*, 443 US 622, 635; 99 S Ct 3035 (1979), quoting *McKeiver v Pennsylvania*, 403 US 528, 550; 91 S Ct 1976, 1989; 29 L Ed2d 647 (1971). “The State has an interest ‘to protect the welfare of children’ and to see that they are ‘safeguarded from abuses’ which might prevent their ‘growth into free and independent well-developed . . . citizens.’” *Ginsberg v New York*, 390 US 629, 649-650; 88 S Ct 1274, 1285-1286; 20 L Ed2d 195 (1968) and 390 US at 640-641; 88 S Ct at 1281, quoting *Prince v Massachusetts*, *supra* at 165.

“All children everywhere in the nation are protected by the Constitution, and treatment which violates their constitutional rights in one area of the country, also violates such constitutional rights in another area.” *Cisneros v Corpus Christi Independent School District*, 467 F2d 142, 148 (CA5 1972) (en banc), quoting *United States v Jefferson County Board of Education*, 380 F2d 385, 397 (CA5 1967) (Gewin, J., dissenting).

When the care and protection of the minors within their borders falls to States they must be free to do “what is best for the interest of the child.” *Finlay v Finlay*, 1925, 240 NY 429, 433; 148 NE 624, 626; 40 ALR 937 (per

Cardozo, J.). “The Court is placed in a position * * * to act as supreme parent of children, and must exercise that jurisdiction in the manner in which a wise, affectionate, and careful parent would act for the welfare of the child.” *Queen v Gyngall*, (1893) 2 Q.B. 232, 241.

In the Thirteenth Circuit, our commitment to our children is best illustrated through the programs and services provided by our Family Division. In this Annual Report, coverage of the Family Division has been expanded in order to give the community a better understanding of all we do to protect the best interest of our children.

JUDGES OF THE THIRTEENTH JUDICIAL CIRCUIT COURT

Circuit Court Judges Philip E. Rodgers, Jr. and Thomas G. Power serve their constituents as Circuit Court Judges in all three counties and preside over all Grand Traverse County cases encompassed within the jurisdiction of the Family Division that do not involve minor children. Judicial assignments are made by a random, alternating case selection process.

HON. PHILIP E. RODGERS, JR.



Judge Rodgers was first elected to the bench in 1990, and was re-elected without opposition in 1996. Judge Rodgers served as Chief Judge from 1992 through 1997. Prior to assuming the bench, the Judge was a partner and trial attorney in the law firm of Menmuir, Zimmerman, Rollert and Kuhn.

Judge Rodgers graduated in 1978 from the University of Michigan Law School. He had previously obtained his undergraduate degree from the University. He also received a Masters of Public Policy Degree from the University in 1977.

As a college student, the Judge was a Rotary International Graduate Fellow and spent a year in England studying public finance economics. Later, the Judge joined the Traverse City Rotary Club and served for six years on the Board of Directors of Rotary Charities.

Judge Rodgers has served his community through participation on the City Commission for four years, and was Mayor of the City of Traverse City in 1989. The Judge continues to be a trustee of the National Cherry Festival and is an active member of the Michigan Judge’s Association, serving on both its legislative and executive committees

The Judge is married and has four children.

HON. THOMAS G. POWER

Judge Power is a native of Traverse City. He was elected to the bench in 1992. He began serving his second term on the bench January 1, 1999, after running for re-election without opposition. Judge Power now serves as Chief Judge of the Circuit Court.

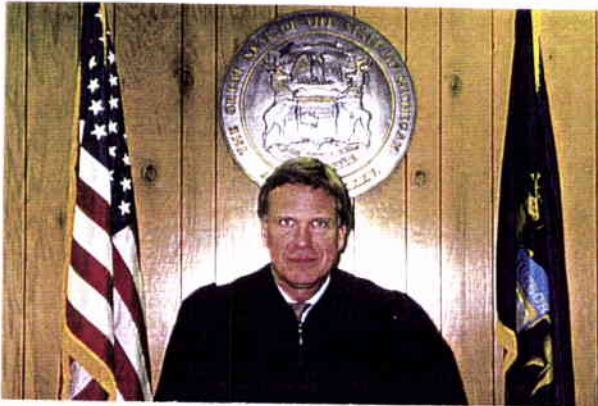
Prior to his election, Judge Power served in the Michigan State Legislature for ten years. Among his committee assignments was the House Judiciary Committee. Judge Power practiced law in Traverse City with the law firm of Elhart and Power.

Judge Power graduated from the University of Michigan Law School in 1974, having first obtained his undergraduate degree from Carleton College in Northfield, Minnesota. Judge Power later obtained a Masters Degree in taxation from New York University in 1978. He is a 1968 graduate of Traverse City High School. The Judge is married and has two children.

Judge Power is a member of the Traverse City Rotary Club, a past Traverse City School Board member and past member of the Grand Traverse/Leelanau Mental Health Board.



HON. DAVID L. STOWE



Judge Stowe was elected Grand Traverse County Probate Judge in November 2000 and has served in that capacity since January 1, 2001. The Probate Court has jurisdiction over cases pertaining to admission of wills, administration of estates and trusts, guardianships, conservatorships and the treatment of the adult mentally ill and developmentally disabled. Judge Stowe also serves as the Family Division Circuit Court Judge and presides over all Grand Traverse County cases within the jurisdiction of the Family Division that involve minor children.

Before taking the bench, Judge Stowe practiced law in Traverse City. He is a past President of the Grand Traverse-Leelanau-Antrim Bar Association, and has served on numerous local and state boards involving children, families and seniors. Prior to beginning his legal career, Judge Stowe was a health department sanitarian, high school biology teacher and worked in Washington, D.C. as a lobbyist.

Judge Stowe received a Bachelor of Science degree in Zoology from Michigan State University and his law degree from Thomas M. Cooley Law School.

Judge Stowe and his wife Pam have two teenage boys, and their family lives in Traverse City.

HON. NORMAN R. HAYES

Judge Hayes serves his constituents as Probate Judge presiding over all litigation involving estates, guardianships, conservatorships and mental health commitments. Judge Hayes also serves the Family Division by presiding over all Antrim County cases encompassed within the jurisdiction of the Family Division.

Judge Hayes was first elected in November 2000 and took the bench on January 1, 2001. Prior to becoming Judge of Probate, Judge Hayes served as District Court Judge for ten years and Prosecuting Attorney for eleven years. Judge Hayes has served as a Director of the Michigan District Judges Association and a Director of the Prosecuting Attorneys Association of Michigan.

Judge Hayes earned his law degree from the Thomas M. Cooley Law School in 1979. Judge Hayes obtained his undergraduate degree from the University of Michigan and Mott College.

Judge Hayes is married and has three children.



HON. JOSEPH E. DEEGAN



Judge Deegan has served his constituents as Probate Judge presiding over all litigation involving estates, guardianships, conservatorships and mental health commitments since 1989. Effective January 1, 1998, Judge Deegan also serves the Family Division by presiding over all Leelanau County cases encompassed within the jurisdiction of the Family Division.

Judge Deegan was first elected Probate Judge for Leelanau County in 1988. He took office on January 1, 1989 and was re-elected without opposition to a second term in November of 1994 and a third term in November of 2000. Prior to taking the bench, Judge Deegan was Leelanau County Prosecuting Attorney for two terms from 1981 to 1988.

Judge Deegan earned his law degree from the University of Detroit Law School in 1963 after obtaining his undergraduate degree from Sacred Heart Seminary College in Detroit.

Judge Deegan and his wife Jeanne have seven children and two grandchildren.

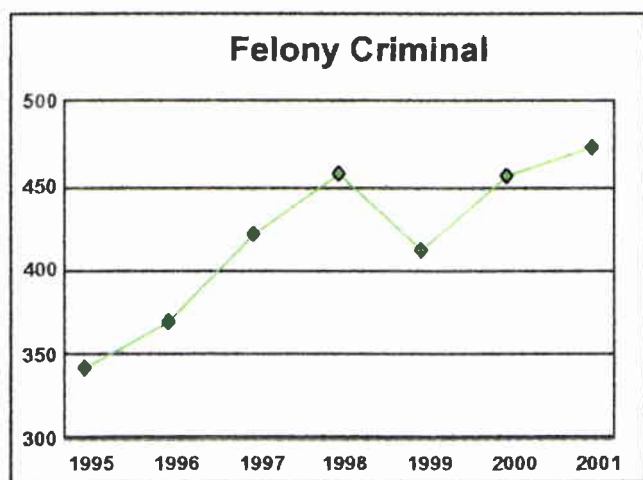
DOMESTIC RELATIONS and JUVENILE REFEREES



Dennis Mikko and Cynthia Conlon are the Family Division Referees. Both are attorneys licensed to practice law in Michigan and came to the Court with substantial trial experience. This year the duties of the Referees were merged so that both of the Referees now preside over child abuse/neglect cases, juvenile offender matters and all child-related issues in domestic relations cases in all three counties. In the Court's continuing effort to provide timely and appropriate service to families, the Court implemented facilitative mediation program and requires its completion prior to any full day hearing before a Referee. In addition, the Referees now conduct final settlement conferences much like the Circuit Court does in general civil cases. Many cases are being resolved cooperatively by parents without the need for an expensive trial, and families are learning to explore mutually agreeable resolutions.

CIRCUIT COURT CASE LOAD

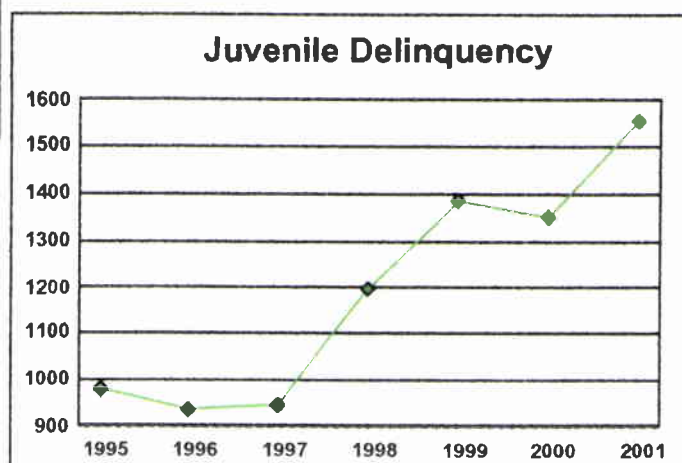
The following graphs show some of the trends in new case filings.



assaultive crimes. Most crime still has poor education, substance abuse and limited employment prospects at its root.

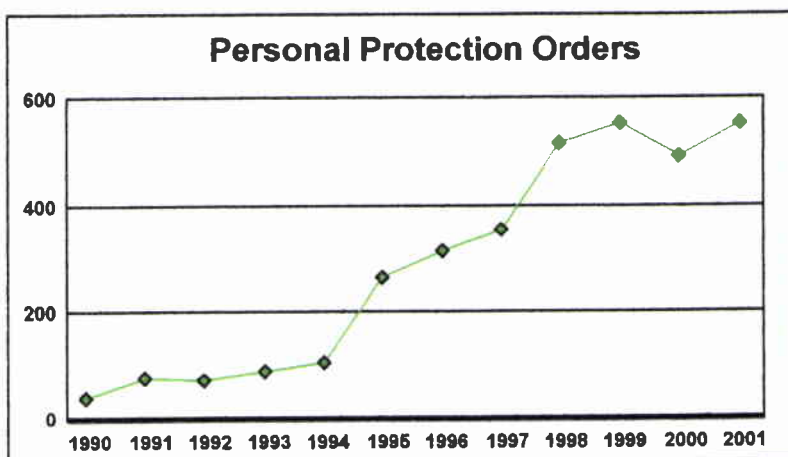
There was a corresponding rise in juvenile crime in the late 1990's. However, this is somewhat misleading. Prior to 1998, civil infraction tickets for

Felony criminal cases have increased since 1995 due in part to many years of effective drunk driving enforcement resulting in more felony drunk driving cases being brought to the Circuit Court. Another component of this increase is theft related offenses. Although criminal felony filings have increased, the Court has not noted a significant increase in



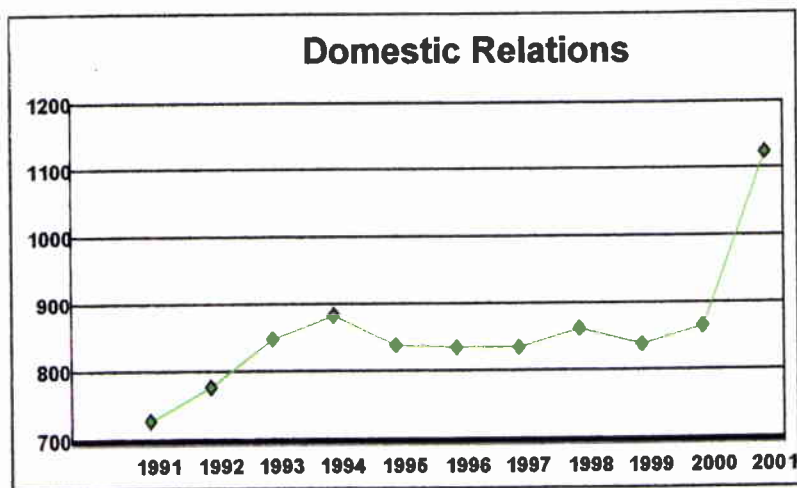
juvenile smoking, snowmobile violations, inappropriate skateboarding and the like were not reported in these figures. They are now. Unfortunately, the Family Division Judges have recognized an increase in serious juvenile crime, including assaults and malicious destruction of property. While the use of marijuana continues to be prevalent, drugs such as LSD and cocaine are seen less often. Although in 2001 some new drugs such as ecstasy and oxycotin arrived on the scene.

In 1990, in order to protect individuals from relationships characterized by physical abuse, mental abuse or stalking, the Legislature created the personal protection order. Requests for the orders were relatively modest until 1995. They have since become a dominant portion of this Court's overall case load. Fortunately, the volume of orders requested does not correlate with the level of physical abuse and stalking within the community.



While many such cases do exist, a significant number of persons overstate the nature of the problems they are having in their relationship and often recant their allegations immediately after a protective order is issued. Handling these

orders takes up a great deal of staff time as well as judicial resources.

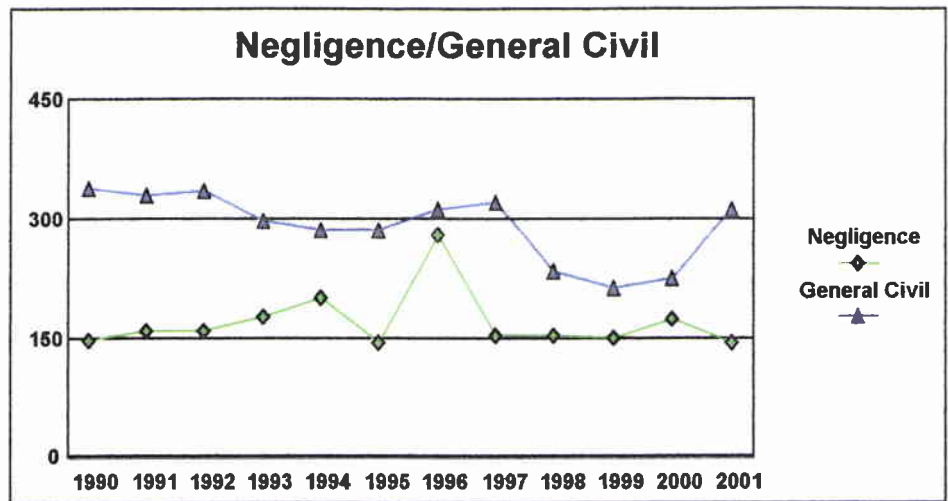


Recognizing the increase in population in the Thirteenth Circuit during the 1990's, it is not surprising to see an increase in the filing of divorce actions. However, the domestic relations caseload also includes paternity actions which arise when a child is born to unwed parents. While divorce filings peaked in 1993 and have since declined, paternity filings have steadily increased.

General civil cases constituted over 18% of the new case filings at the beginning of the decade. That proportion gradually declined throughout the 1990's. In 2000, general civil cases accounted for only 8.7% of the total new case filings. In 2001, however, general civil cases accounted for 11.6% of the new case filings.

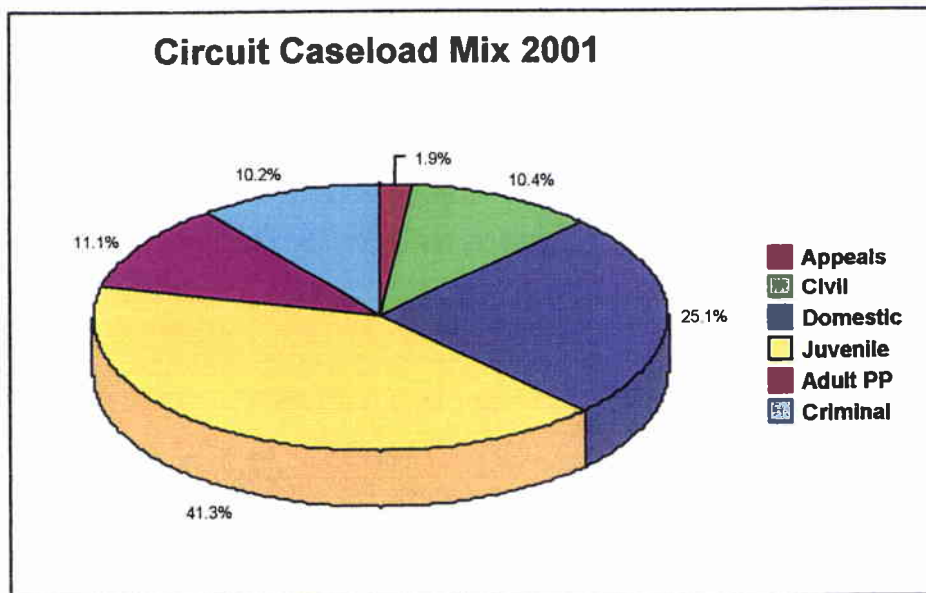
Negligence cases represent a relatively small fraction of the total annual case filings, but they are among the most complex and challenging cases. Typical negligence cases include automobile trauma, medical negligence, premises liability and disputes regarding insurance coverage or benefits. The attention paid to these cases resulted

in significant court reforms that were made effective for cases filed after the spring of 1996. Accordingly, as many cases as possible were filed prior to this time deadline which accounts for the late 1995 - early 1996 spike in negligence case filings. In 1996, negligence case filings constituted 12% of the Court's total filings.



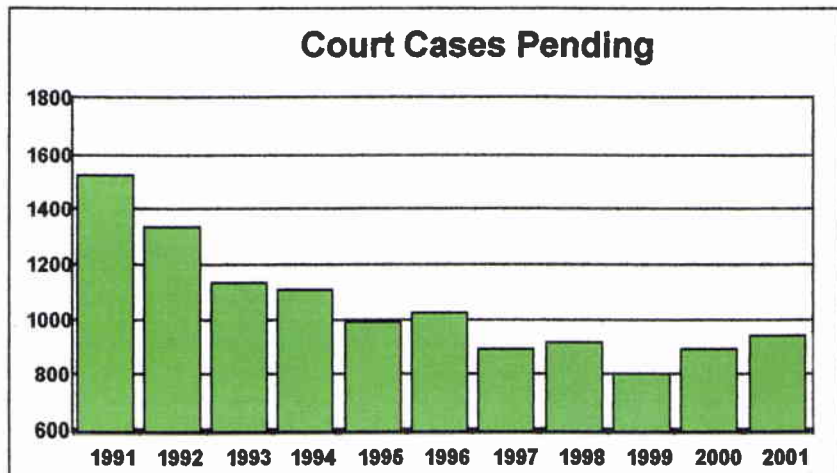
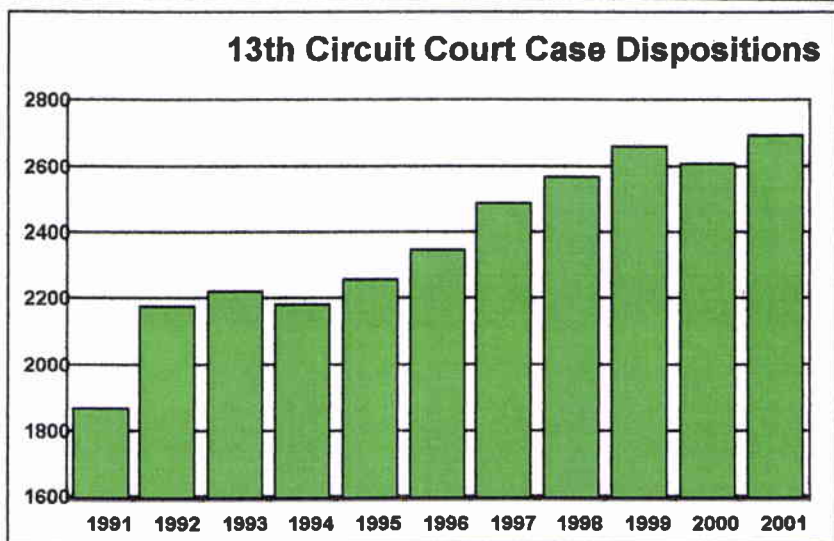
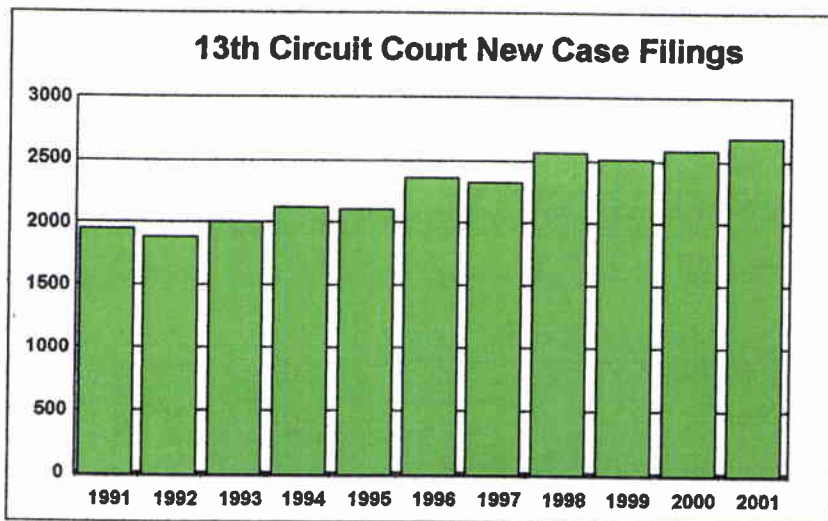
Since then, negligence case filings

have made up only 6% to 7% of the total annual case filings. In 2001, negligence case filings made up a record low of only 5.4% of the total new case filings.



The Thirteenth Circuit is one of the busiest in the state. In 2001, there were 2680 new filings in the Circuit. This is 99 more new cases than were filed in 2000. Of these new filings, 1125 were Family Division domestic relations cases, including requests for personal protection orders. A total of 2698 cases were disposed of during 2001. Of these, 1072 were Family Division domestic relations cases and domestic relations personal protection orders. The two Circuit Court Judges disposed of a total of 1848 cases for an average disposition rate of 924 cases per judge. The three Family Court Judges disposed of 850 domestic relations cases and domestic relations personal protection orders for an average disposition rate of 283.33 cases per judge. The Referees conducted approximately 99 hearings in custody and parenting time disputes and 1066 show cause hearings regarding support. The Referees

reviewed 370 requests for personal protection orders. Objections to child care contributions and to medical reimbursement demands were heard by the Referees and they conducted more than 946 delinquency proceedings and approximately 137 abuse/neglect proceedings. At the end of 2001, only 943 cases remained unresolved. Only 6 cases, including 4 Family Division cases, were over 18 months old.



FAMILY DIVISION

The Family Division of the Circuit Court has jurisdiction over criminal cases involving minors, child abuse and neglect, guardianships of juveniles, adoption proceedings, and domestic relations matters.

In Leelanau County, 141 new domestic relations cases were filed and 144 domestic relations cases were disposed of in 2001. In Antrim County, 215 new domestic relations cases were filed and the Court disposed of 207 cases. In Grand Traverse County, 555 new domestic relations cases involving minors were filed and 499 domestic relations cases involving minors were resolved. In addition, 214 new domestic relations cases that did not involve minors were filed and 222 domestic relations cases that did not involve minors were completed.

The assignment of all domestic relations cases, and the scheduling within those cases, originates in the Circuit Court Administrator's Office in Traverse City. The assignment of all other Family Division cases and the scheduling within those cases originates in the relevant local office of the Family Division. Each county maintains a local office of the Family Division. Family Division records are maintained in the County Clerk's Office for each respective County.

In Grand Traverse County, the Family Division has adopted a new philosophy under the leadership of Judge Stowe that more intensive services for youth will not only make a change for the better in the youths' lives (including less recidivism, increased school attendance and employability) but also help reduce the future crime rate and jail population, and hopefully, save the taxpayers money. In addition, the Family Division has decided that parents should be financially accountable for all costs incurred on behalf of their child(ren).



Grand Traverse County Family Division

Back Row: Judge David L. Stowe, Brenda Kalchik, Cheryl Burrows, Roger LaLonde, Janet Kronk, Mike Rooney, Marilyn Nemetz

Front Row: Gaye Matta, Andrea Humphrey, Cynthia Cooper, Barbara Donaldson, Kellie Robinson, Sarah McKenna, Janet McGee, Shirley Weiglein

To accomplish these objectives, many new programs for youth were approved and implemented in 2001, including the YES shoplifting program, the World of Work program, monthly MADD forums, increased terms of probation and hours of community service, options for tethering youth, random and frequent drug testing, and increased utilization of alcohol and drug treatment programs.

The Office Manager put the Child Care Fund on the computer so that the Court can now bill parents for every reimbursable dollar spent for their child(ren).

The Family Court also has a Volunteer Services Division that oversees and manages a large cadre of dedicated volunteers who work with youth in the area of prevention. The Volunteer Services Division is instrumental in molding and



Volunteer Services

Rosa Breneman, Linda Fawcett, Cindy Edmonson, Cheri Hains

shaping
specific

programs for the Court. In 2001, these programs included Truancy Intervention, the World of Work Program, The Learning Garden, the Hold-Over Site, Youth Transports, and Learning Partners.



Learning Partners Swim Program

Future challenges for the Grand Traverse County Family Division include creating a more structured Court-Appointed Special Advocate (CASA) program. A CASA is a volunteer who has had extensive training and is assigned to and helps speak for

the best interests of a child or children in a family involved in an abuse and neglect proceeding. Other challenges include developing and implementing a Stress Management Program for the schools, a Juvenile Drug Court and a Teen Court. The Family Division also hopes to develop an Area Resource Guide that will categorize the types of services that are available to youth and their families and give information on how to access those services.

The Leelanau County Family Division also has an active Volunteer Program that coordinates the Community Service Work Garden



Leelanau County Family and Probate Court

Back Row: Tom Mayhew, Joseph Povolo, Theresa Schaub, Susan Richards, Judge Joseph E. Deegan
Front Row: Julie Orr, Josephine Lingaur, Betsy Fisher, Ryan Douglass

among other programs. All of the members of the juvenile staff are heavily involved in the Leelanau County Family Coordinating Council. Betsy Fisher and Therese Schaub are trained coaches for the Girls on the Run Program which is designed to help girls between the ages of 8 and 11 celebrate being girls and to develop strong self-esteem through physical fitness. Tom Mayhew is a Diversion Program counselor who emphasizes prevention. Leelanau County also has two non-secure detention homes and a strong substance abuse program. Ryan Douglass provides all of the Court's drug testing services.

The Antrim County Family Division has had a very successful year under the direction of Judge Hayes. Most significantly, with the cooperation of the Antrim County Family Independence Agency and the Antrim County Board of Commissioners, Judge Hayes and the Court were able to reduce the gross Child Care Fund expenditures by 44 per cent from the previous year, saving the taxpayers \$330,000. This tremendous savings was accomplished without reducing the quality of services provided to those families served by the Antrim County Family Division.



Antrim County Family and Probate Court
 Back Row: William Hefferan, Sheryl Guy, Pat Theobald, Theresa Ankney, Judge Norman R. Hayes
 Front Row: Christine Watrous, Sandy Churchill, Sandy Davids

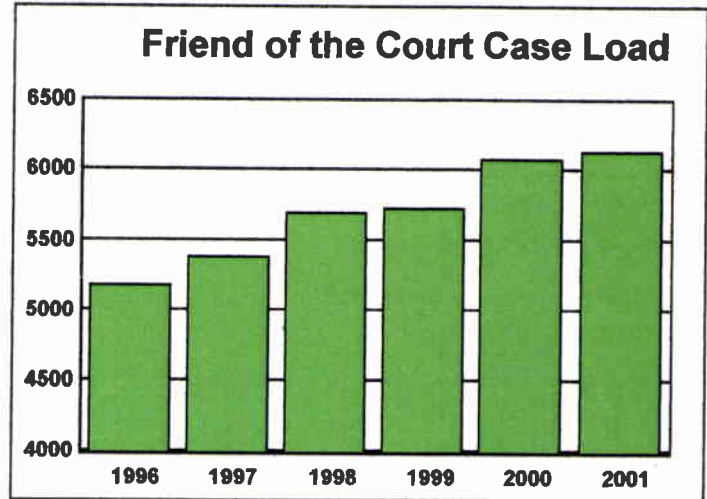
FRIEND OF THE COURT



Back Row: Kelli Fowler, Emily Jackson, Lynne Stockwell, Julie Conway, Jennifer Overton, Ellene Peters, Nanette Courson, Carol Rose, J. Paul Lezon
 Middle Row: Gloria Van Hoose, Jayne Arnold, Margaret Mulcahy, Sandra Sinclair, Sandy Schaub, Mary Anderson, Alisa Gallo
 Front Row: Referee Cynthia Conlon, Steve Cerutti, Dawn Rogers, Al Crocker

Dawn M. Rogers is the Friend of the Court. The Friend of the Court Office (“FOC”) is responsible for representing the best interests of the children in those cases which come before the Circuit Court Family Division because of divorce, custody, child support, visitation or paternity disputes. The FOC case managers conduct interviews, gather financial information, mediate with parties and prepare written proposals offering their recommendations for review by the Family Division Judges as to what would be the best resolution possible for the children. Whenever the Court enters an order regarding custody, child support, visitation or paternity issues, the FOC is responsible for enforcing that order.

Over the years, the FOC case load has continued to increase. In 2001, 681 new cases were added to the caseload, 482 from Grand Traverse, 121 from Antrim and 78 from Leelanau. 368 (54%) of the new cases were divorces with minor children; 89 were filed under the Paternity Act and 130 were filed under the Family Support Act. Many of the cases filed under the Family Support Act are essentially paternity matters where the father has acknowledged paternity. Paternity cases represent 32% of the new cases filed in the 13th Circuit. The total caseload for



2001 is 6,132. The FOC Office keeps a case active until the youngest child in the family graduates from high school or turns 19 ½ years of age. Long after the divorce is over, FOC case managers continue to work with the parents and their children.

During 2001, a total of 610 initial orders were prepared for the Family Division Judges by the Friend of the Court. This is an average of 51 initials each month. In each of these cases, Friend of the Court schedules appointments with the parents, gathers and reviews financial information, and conducts investigation for the purpose of preparing a recommended order for the Court on child custody, parenting time, child support and health insurance and health care expenses. The average number of days between receipt of the pleadings and submission of a proposed order to the Court was 23. In 80% of the new cases, an attorney (which could include the prosecuting attorney) represented the plaintiff. In 20% of the new cases, the parties had no attorney.

The FOC Office conducted 831 support order reviews in 2001; an average of 70 reviews per month. The average number of days for the completion of a review was about 29. 26% of the reviews resulted in an increase of child support; 35% of the reviews involved an issue of parenting time; and 13% involved custody issues. The Friend of the Court prepared 203 stipulated orders for clients in 2001 in an average of 8 days.

In 2001, a total of \$17,675,048.30 was charged in child support. That is a 6% increase over the amount of child support charged in 2000. Of the current charges, a total of \$13,253,166.50 was collected, resulting in a current

charges to current collections ratio of 75%. When \$3,550,562.39 in collections for outstanding child support arrearage are added, a total of \$16,803,728.89 was collected in child support during the year, producing an overall charges to collections ratio of 95%.

New Friend of the Court Office projects/events in 2001 included the following:

- The Friend of the Court converted to the State's child support enforcement system (CSES) on July 2, 2001. Over several months prior to the conversion, the Friend of the Court staff logged over 1,000 extra hours preparing for the conversion. The actual conversion was among the most successful in the State of Michigan. There were no data clean-up problems and by the second day on the new system, the Friend of the Court staff had receipted and distributed all child support. The conversion agreement negotiated between the Court and the State resulted in the entire cost of conversion being paid for by the State.
- The Friend of the Court continues to work with the State Distribution Unit (SDU), also known as "centralized collections" which was rolled out by the State in November of 2000. Employers, rather than sending the child support withheld from an employee's wages to the Friend of the Court, sends that money to Lansing. Lansing then sends the money to the Friend of the Court for posting and distribution.
- A third Access and Visitation Grant was received in 2001, which allowed the Friend of the Court to continue working with Child and Family Services of Northwest Michigan to refer families for supervised parenting time as needed and for the presentation of the educational program for never-married parents called Parents and Children Together ("P.A.C.T."). The P.A.C.T. program was presented 6 times in calendar year 2001. Over 55 parents have attended the program. The program evaluations have been extremely favorable.
- The Friend of the Court Office continued their ongoing development of a Policies and Procedures Manual, and the reviewing and revamping of forms, for the purpose of increasing consistency and providing a reference and training tool. Among the forms that were created during 2001 for clients representing themselves, are a sample Motion to Change Domicile and Motion to Change Child's Legal Residence.
- The Friend of the Court Handbook was updated and rewritten in 2001. This 48 page reference book provides valuable information on the law as well as Friend of the Court and Court processes and procedures.

The major challenge in 2002 will be to restore the Friend of the Court child support collections and service to the level that existed before the conversion to CSES. Child support collections declined following the conversion to CSES. The system is more cumbersome and labor intensive than the former information system. Staff and clients have been frustrated by the lack of control over issues that formerly were able to be resolved at the local level.

Funding continues to be a challenge. The federal government no longer funds activities related to custody and parenting time investigations and enforcement. This has resulted in a loss of revenue of approximately \$80,000 annually. Moreover, anticipated additional incentive funds were not received. In order to make up for cuts in the general fund appropriations to the Family Independence Agency, the Family Independence Agency retained over \$10,000,000 in federal incentive revenue that would have otherwise been distributed to the Friends of the Court. It

is only due to the continued support of the counties that the Friend of the Court has been able to continue to assist parents with custody and parenting time concerns.

JUDICIAL COMMISSION

The Circuit Judges and the Commissioners in the three counties that comprise the Thirteenth Circuit created an Inter-County Operating Agreement. Pursuant to that Agreement, the Joint Judicial Commission was established to act as a liaison committee among the counties and Judges to coordinate financial and administrative responsibilities between the counties and the Court. The Joint Judicial Commission consists of the Judges, court administrator, board chairperson, the chairperson of the



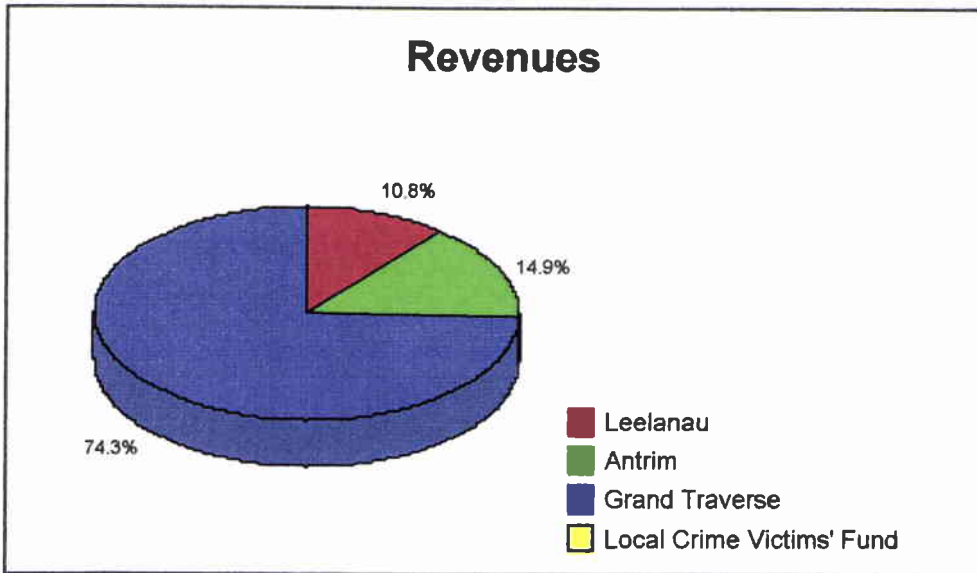
Finance/Ways and Means Committee, County Administrator/Coordinator and Chief Administrative Fiscal Officer from each county. Each year during the budget preparation process, the Commission meets to review the proposed annual budgets. The Commission has the authority to recommend modification of the Inter-County Operating Agreement.

COURT FINANCES

Grand Traverse County is the designated fiscal agent for the Thirteenth Circuit Court. Grand Traverse County is responsible for the processing, audit, verification, and payment of all operating expenses and for maintaining the Circuit Court Operating Fund. The expenses of operating the Court are divided into “cost-shared” and “cost-direct” expenses. Cost-shared expenses include such items as salaries and fringe benefits, office space, computer data processing, office supplies, and other capital expenditures. These expenses are paid for out of the Operating Fund. On a monthly basis, each county pays into the Fund its pro-rata share of actual expenses incurred. The pro-rata share of each county is the same proportion as the number of cases entered and commenced in that county. Cost-direct expenses such as Court appointed attorney fees, jury fees, witness fees, transcript fees and courthouse security costs are paid directly by each individual county.

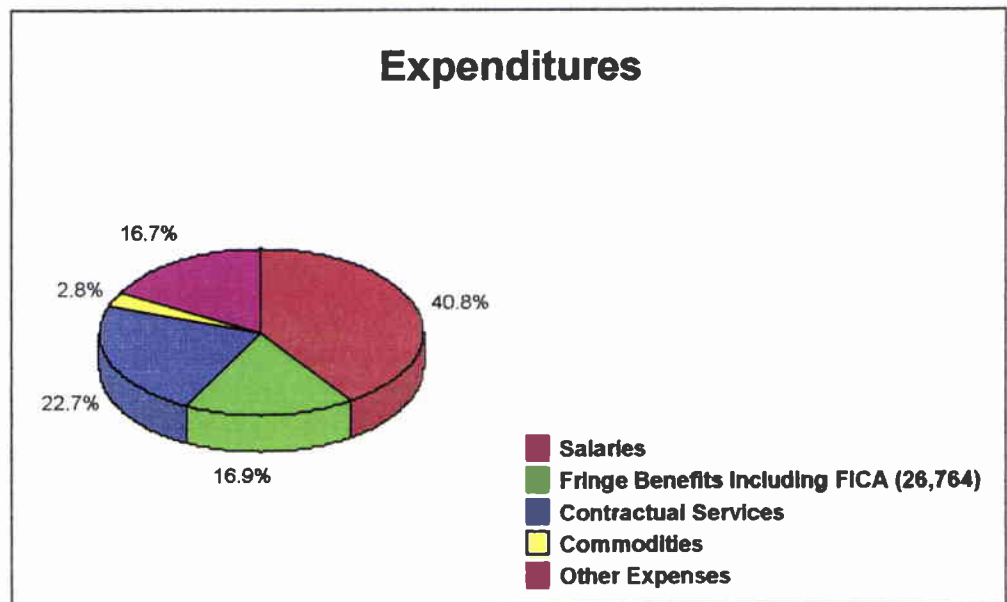
In 2001, Antrim County transferred \$158,684, Leelanau County transferred \$115,046 and Grand Traverse County transferred \$791,111 into the Operating Fund. Some additional revenue comes from the State, some is generated through collection efforts to recoup costs, fines, appointed attorney fees, restitution, and crime victim payments in criminal cases and some is generated through filing fees, fines and court costs assessed by the County Clerks’ Offices. In this latter category, Antrim County collected \$115,069 Leelanau County collected \$57,777 and

Grand Traverse County collected \$360,911. The Court's total revenue for 2001 was \$1,064,841.



Expenditures for 2001 totaled \$1,177,265 and included:

\$ 480,082	Salaries for judicial, administrative and Friend of the Court staff.
\$ 199,335	Fringe Benefits for judicial, administrative and Friend of the Court staff (including FICA of \$24,641).
\$ 267,454	Contractual Services for payments for defense counsel and mediators, juror payments and mileage, equipment, furniture, professional services, case-related payments, and other items central to administration and operation of the court.
\$ 33,334	Commodities, primarily for postage and office supplies.
\$ 197,059	Other Expenses for costs including such items as computer services, equipment rental, printing, utilities, and liability insurance.



COURT ADMINISTRATOR'S OFFICE

The Court Administrator's Office is staffed by seven well-trained, highly-skilled and personable members of the administrative team. As the Court's practices and procedures evolve, the administrative staff implements plans made by the Judges and Referees, legislative changes, State Court Administrative Office directives and suggestions that will improve the Court's delivery of services. Each member of the staff has a specific responsibility and is cross-trained to assist during any other member's absence.

The Court's administrative staff provides intensive case management to "move the docket" and to avoid the aging of the Court's cases. Throughout Michigan, this Court has developed a reputation for resolving cases in a short time frame. The Court's case management system requires constant monitoring and follow-up with the result that litigated civil disputes can realistically be resolved within a calendar year and criminal case within a few months.

Court Administrator



MaryAnne Macy is the Court Administrator. As Circuit Court Administrator, MaryAnne acts as the Court's chief executive officer. She is responsible for facilities management, caseflow management, personnel and budgeting. She also acts as an administrative assistant to the Judges and implements policies and procedures which they propose.

MaryAnne was instrumental in developing the Court's facilitative mediation program. She is a certified mediator and mediation trainer. MaryAnne served on the Michigan Supreme Court Dispute Resolution Task Force which drafted the ADR Court Rules that were enacted in 2000. She also served on committees that guided statewide implementation of mediator training and standards for court ADR programs in Michigan. MaryAnne currently serves on the Institute for Continuing Legal Education (ICLE) Mediation Advisory Board.

Caseflow Management

All Court scheduling for the two Circuit Court Judges and the three Family Division Judges is managed by Carol Dee. Matters included within the scheduling process are motion hearings, status conferences, settlement conferences and trials in domestic, civil and criminal cases. The Thirteenth Circuit strictly adheres to the Michigan Court Rules time lines and Administrative Orders regarding case flow management. In every case, the Court's Scheduling Order sets forth the time line for the disposition of the case consistent with the time lines set by the State Court Administrator's Office ("SCAO.")



According to the Court's weekly calendar, Mondays are motion days with one of the two Circuit Court Judges hearing motions in Grand Traverse County and the other hearing motions in either Leelanau or Antrim County. Trials are scheduled for Tuesdays through Thursdays for all the counties. On Fridays, one Circuit Court Judge conducts Grand Traverse County criminal day and the other has settlement conferences in civil cases.

The Antrim County Family Division Court is generally in session the second Tuesday of every month in Bellaire. The Leelanau County Family Division Court is generally in session the third Wednesday of every month in Leland. The Grand Traverse County Family Division Court is generally in session the first and third Fridays of every month in Traverse City. Carol monitors and tracks the Family Division dockets.

Carol is also responsible for preparing monthly, quarterly and annual case management reports.

Referee Scheduling

Kathleen Alandt schedules all Domestic Relations Referee hearings in whichever county the case is pending. The Referees typically hear matters pending in Grand Traverse County on the first and third Wednesdays and Thursdays of every month, in Leelanau County on the second Wednesday of every month, and in Antrim County on the fourth Wednesday of every month. Kathy also schedules personal protection order hearings.



Alternative Dispute Resolution

The Court's new State-approved Alternative Dispute Resolution Plan took effect on January 1, 2001. Alternative Dispute Resolution is any process for resolving disputes other than court adjudication.



Norma Sandelius is responsible for administering the Court's Plan.

Norma monitors all civil and domestic relations cases after they are ordered into case evaluation and/or facilitative mediation. She also generates statistical reports which assist the Court in tracking the rate of resolution of cases.

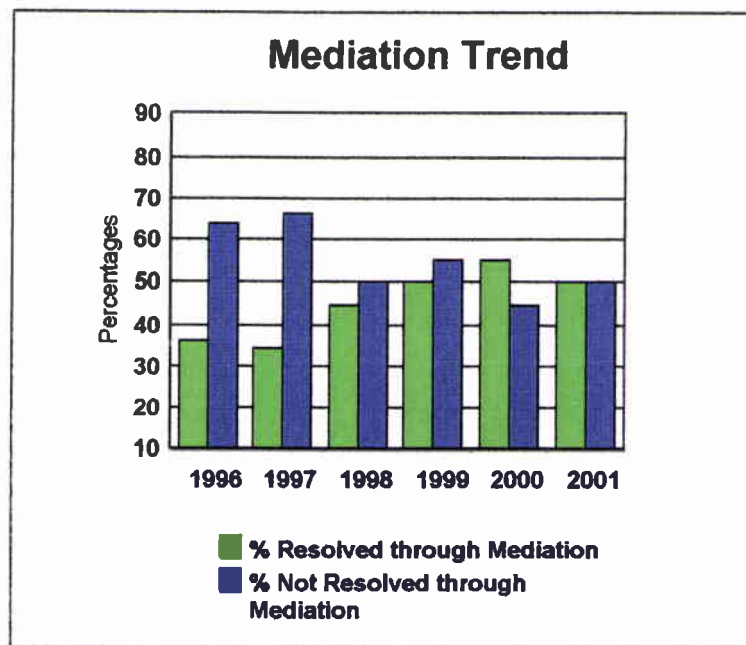
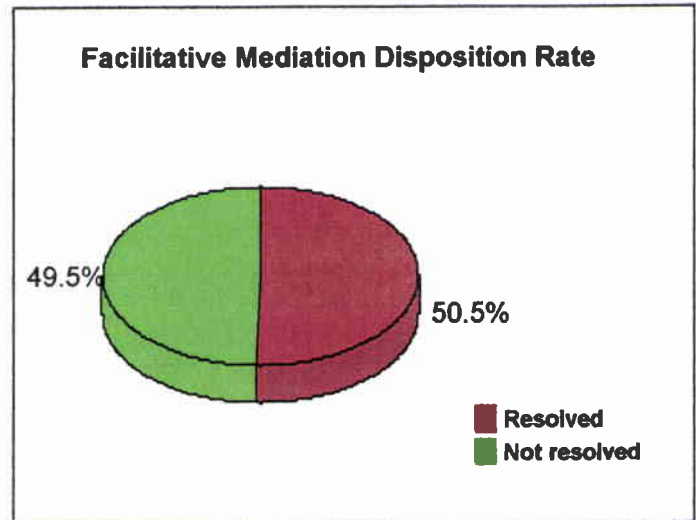
Case evaluation is an alternative dispute resolution process by which a panel of three experienced attorneys review a case and issue an evaluation. The parties either accept or reject the evaluation. If both parties accept the evaluation, the case is resolved. If not, the case proceeds to trial. Norma is responsible for selecting the case evaluation panels and scheduling the case evaluations. In 2001, 269 cases were ordered to case evaluation. Of those cases, 144 were resolved prior to the case evaluation and 67 cases were evaluated. In 21 cases (39%) the parties accepted the case evaluation and 5 were resolved before the evaluation response was due. The remaining 41 cases (61%) were not resolved through case evaluation. Of those, 30 were settled before or at the final settlement conference, 6 were settled before the date of trial, 1 settled on the morning of trial, and 5 proceeded to trial. 58 of the cases that were referred to case evaluation are still pending.

Facilitative mediation is an alternative dispute resolution process in which a neutral third party facilitates communication between the parties in an attempt to help them reach a mutual agreeable resolution. Any communication between the mediator, parties, and/or counsel relating to the mediation is strictly confidential. A total of 127 domestic relations cases were ordered into facilitative mediation. Of those, 55 cases were settled or otherwise resolved before the mediation hearing. Another 4 cases were removed from the mediation schedule by the assigned Judge and 1 case is still pending. Of the 69 cases which were mediated, 40 settled during the mediation hearing (58%), 26 were not resolved (38%) and 3 are still pending.

In April of 2001, the Court also began ordering pre- and post-judgment custody issues to mediation in an effort to reduce the number of custody trials heard by the Court Referees. Ordering these cases to mediation has reduced the amount of time the Referee spends on the bench and also the time preparing Referee Recommendations and Orders. A total of 105 cases were ordered into mediation for child-related issues in 2001. A total of 50 cases (48%) were resolved by other dispositions before the mediation hearing and 6 cases were removed from mediation by the assigned Judge. Of the 55 cases which were mediated, 22 cases (41%) were resolved at the hearing with the

mediator's assistance. Only 1 case is still pending.

As shown by this pie chart, 168 general civil cases were ordered into facilitative mediation in 2001. Of those, 54 cases (32%) were settled or otherwise resolved prior to mediation, 3 cases were removed from mediation by the assigned Judge and 3 cases are still pending. A total of 111 cases were mediated. Of those, 56 cases or 50 % were resolved and 55 cases or 50% were not resolved.



Mediation, case evaluation and final settlement conferences result in the resolution of a large number of cases, thereby reducing taxpayer cost by reducing the overall need for jurors, compensation for lay and expert witnesses in criminal cases and delaying the need for additional judges and courtrooms.

In addition to her duties regarding alternative dispute resolution, Norma is responsible for managing the Court's civil, domestic relations and appellate caseload. She determines when a case is ready for the Pre-trial process by generating and issuing Pre-trial statement forms to the litigants. She keeps pending cases updated with changes when amended complaints, counter-complaints, cross-complaints and third-party actions are filed. She prepares appellate briefing schedules.

Judicial Secretary

Julie Arends is the Court's detail person. She is the Judicial Secretary in the Court Administrator's Office. She transcribes and types all judicial decisions, orders and correspondence. In addition, she reviews divorce cases that are pending in the Circuit Court prior to their hearing dates to determine whether the parties are in compliance as to service, notice and preparation of judgment. Julie also prepares pre-trial worksheets and final settlement conference worksheets. Julie is cross-trained to function as both Circuit Court Specialist and ADR Specialist.



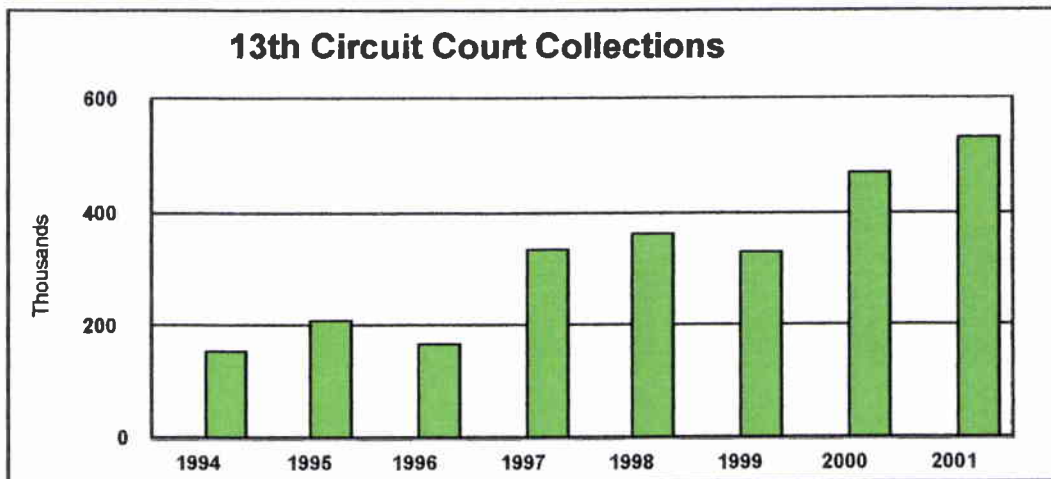
Circuit Court Specialist

Jacque Cardinal is a Circuit Court Specialist. She is responsible for answering the telephones, greeting litigants and their counsel, scheduling final divorce hearings, preparing and posting daily dockets, and reviewing and distributing daily incoming mail. She also assists in transcribing Judges' notes, decisions, and other works. She docket attorney-noticed motions and expedites personal protection orders. Jackie fulfills a vital role in case management. She keeps the Judges' calendars updated, follows up on judgments and dismissals when due, and manages courtroom and court reporter assignments.

Circuit Court Collections

Teri Quinn manages the Court's highly successful program to collect fines, costs, attorney fees and restitution from convicted felons. The program has been in place for seven years. Teri was instrumental in developing the computer program for receipting money due and reconciling those receipts against collections records of amounts owed. The total amount collected through the program reached the \$2 million mark in 2000. In 2001 another \$533,756.69 was collected.





Judicial Assistants

Each of the Circuit Court Judges employs a full time Judicial Assistant who assists the Court through legal research, memoranda and draft opinion writing, and fulfilling jury bailiff responsibilities during jury trials. Each Assistant works with the Judge in the preparation of the Court's civil scheduling conference order, so that realistic time frames are established for the progress of litigation through discovery, mediation, arbitration, final settlement conference, and trial. The Judicial Assistants may work directly with the litigants and their attorneys during the settlement conferences to facilitate the resolution of cases before trial. The Judicial Assistants are available to answer the questions of counsel regarding the Court's local policies and procedures.



Mike Rader is Judge Power's Judicial Assistant. Prior to working for the Court, Mike worked for a local private law firm. Mike has been with the Court for 15 years.

Barbara Budros is a Judicial Staff Attorney to Judge Rodgers. Barbara is an attorney and is licensed to practice law in Texas and Michigan. She has a background in both criminal prosecution and civil litigation. Barbara is a trained facilitative mediator and authored the Court's ADR Plan. She also serves on the local bar association's ADR Committee. Barbara has been the writer, editor and photographer of the Court's Annual Report since 1998.





Court Reporter

Karen Carmody is the Court's full time court reporter. She has been with the Court since 1998. Like the Judges, Karen "rides the circuit," reporting cases in each of the three counties as needed.

JURY BOARD

Each of the three counties within the Circuit has its own three member Jury Board. The members of the Jury Boards are appointed by the Governor for six-year terms. The members of the Grand Traverse County Jury Board are Nancy Muha, Amanda Pouzar and Mary Orth. The members of the Leelanau Jury Board are Al Porter, Joyce Stackable and Emma Grindstuen. The members of the Antrim County Jury Board are Cathleen Beal, Patricia Sanderson and Patricia Colvin.

Each Jury Board obtains the names of prospective jurors from the Secretary of State list of licensed drivers and is responsible for sending out the original juror questionnaires for their respective county. After the original questionnaire is returned, the Jury Boards pull the names of the jurors for their Circuit Court, District Court and Probate/Family Court.

The County Clerk's Office in each county is responsible for actually summoning the jurors for a particular court panel. The County Clerk's Office is also responsible for following up with any jurors who fail to return their initial questionnaires or who fail to appear when summoned.

PROBATION DEPARTMENT

Probation officers who assist the Circuit Court are employees of the Michigan Department of Corrections. There are probation officers for each of the three counties and they are located in an office in their respective county. There are seven probation officers who each supervise an average of 360 clients per month.

The probation officers are responsible for preparing a pre-sentence investigation report regarding each defendant which includes an interview and statement from the defendant and information regarding the defendant's background, family, education, physical characteristics, and previous criminal history. The Court utilizes the report when determining an appropriate



Leelanau County: Steve Brett

sentence. In 2001, a total of 387 pre-sentence investigation reports were completed by the Probation Department for an average of 32.25 pre-sentence investigation reports per month. This figure includes new conviction and delayed



Antrim County: Doug McCann, Christa Gaugler, Jim Ribby

sentencing updates. There were also 116 probation violations initiated in 2001 for an average of 9.67 probation violations initiated per month.



Grand Traverse County: Nancy Bogart-Thorpe, Linda Lautner, Tom Chapman, Chuck Welch, Billie Cooper

The following is a list of crimes for which individuals were sentenced in 2001, along with a tally for each type of crime:

CRIME TYPE	NUMBER CHARGED		
	Leelanau	Antrim	Grand Traverse
CRIMES AGAINST A PERSON			
Murder	0	2	0
Negligent Homicide	0	0	3
Aggravating Stalking	1	0	2
Aggravated/Felonious Assault	1	0	12
Home Invasion	2	6	10
Resisting & Obstructing a Police Officer	3	0	3
Domestic Violence	2	1	1
Contribute to Delinquency of Child	1	0	1
Criminal Sexual Conduct	5	9	15
Assault w/ Intent to Commit Sexual Penetration	0	0	2
Gross Indecency	0	3	5
Custodial Kidnapping	0	0	1
CRIMES AGAINST PROPERTY			
Enter without Breaking	1	0	11
Breaking and Entering Building/Unoccupied Dwelling	1	10	14
Breaking and Entering a Motor Vehicle	0	0	3
Breaking and Entering Coin Operated Device	0	0	3
Larceny from a Building	2	9	29
Larceny from a Motor Vehicle	0	1	8

Larceny	0	4	2
Larceny by Conversion	0	2	0
Larceny of a Firearm	0	3	0
Receiving and Concealing Stolen Property	0	3	5
Steal/Use/Possess Unauth. Financial Transaction Device	3	0	4
Uttering and Publishing	0	2	25
False Pretenses	0	5	1
Embezzlement	1	0	6
Forgery	0	0	1
Welfare Fraud	0	0	3
NSF Checks	0	0	5
No Account Checks	0	1	6
Retail Fraud	0	0	1
Gross Fraud	1	0	0
UUMV; UDAA; UUA	2	5	22
Arson	1	1	0
Malicious Destruction of Property	0	3	4
Arson	1	1	0

CRIMES INVOLVING A CONTROLLED SUBSTANCE

Marijuana	4	4	23
Cocaine	1	0	13
Delivery to a Minor	0	0	1
Obtain by Fraud	0	1	0
Maintain a Drug House	0	1	4
Delivery Methamphetamine	0	0	1
Possession of Ketamine	0	0	1
Prisoner - Possess Contraband	0	0	2
Accessory After the Fact	0	1	0

CRIMES AGAINST PUBLIC ORDER

Desertion and Abandonment/Fail to Pay Child Support	0	3	3
Animal Killing	1	0	1
Failure to Register - Sex Offender	0	3	4

CRIMES AGAINST PUBLIC SAFETY

OUIL 3 rd	15	13	43
OUIL Causing Serious Injury	1	0	0
Operating Visually Impaired 3 rd	0	0	1
Operating w/ Revoked License Causing Injury	0	0	1
Felon in Possession of a Firearm	0	3	1
Carrying a Concealed Weapon	2	0	1
Possession of a Dangerous Weapon	0	0	1
Escape	0	0	2
Fleeing and Eluding a Police Officer	2	3	10
Discharge Firearm in Building	2	0	0
Bring Weapon into Prison	0	0	1
Health Professional - Unauth. Practice	0	0	1
Use of Armor Piercing Ammunition	0	0	1

COUNTY TOTALS	41	103	324
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CIRCUIT TOTAL

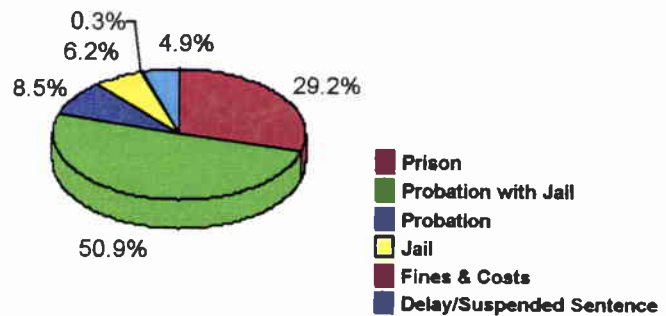
483

*Of the 71 total OUIL 3rd defendants, 12 were probation violators. Of the 36 OUIL 3rd defendants in Grand Traverse County, 7 were probation violators. Four were continued on probation, two were continued on probation with additional jail time, and one was sent to prison. Of the 12 Leelanau County OUIL 3rd defendants, 3 were probation violators. Two were continued on probation with jail time and one was sent to prison. Of the 13 Antrim County OUIL 3rd defendants, only two were probation violators. They were both continued on probation with jail time. A total of 23 OUIL 3rd defendants were sent to prison. Two of those were the probation violators whose probations were revoked. All of the other OUIL 3rd defendants were sentenced to probation after a substantial jail term of up to 12 months.

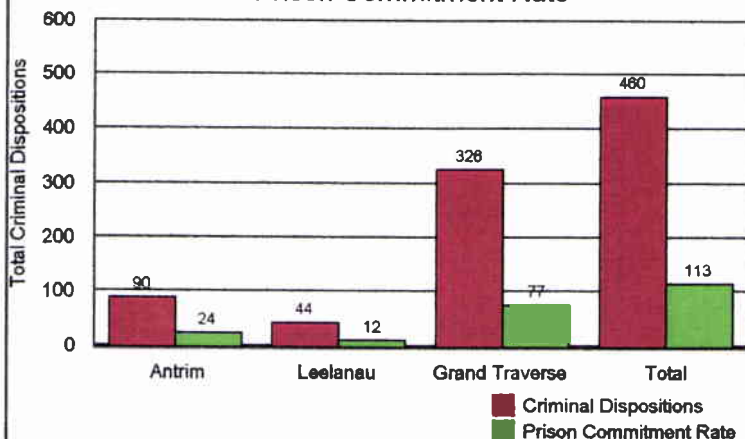
A total of 387 individuals were responsible for the 483 felonies that were charged in the three counties in 2001. 97 of the 387 were felony probationers. The Probation Department prepared a pre-sentence investigation report for each defendant for an average of 32 pre-sentence investigation reports per month. In addition, there were an average of 8.25 probation violations initiated per month.

Of the 387 individuals sentenced by the Circuit Court, 113 received prison sentences, 197 received a probationary sentence with substantial jail time, 33 received straight probation, 24 were sentenced to jail, one was ordered to pay a fine and costs only, and there were 19 delayed or suspended sentences.

Total 13th Circuit Court Felony Dispositions



Prison Commitment Rate



The 2001 prison commitment rate was 24% in Antrim County, 27% in Leelanau County, and 28.52% in Grand Traverse County, for an overall commitment rate of 27% for the Thirteenth Circuit. The Circuit historically accounts for a very small percentage of the total prison commitments in the State, but exceeds the overall State prison commitment rate. Commitments to prison in excess of the State rate reflect the Court's and the community's philosophy that serious crime

receive meaningful and proportionate punishment.

In addition to the other responsibilities, the members of the Probation Department assist the Collections Clerk

in her efforts to recover costs and restitution and works closely with the Office of Community Corrections to begin the rehabilitative process by setting up and supervising clients on early release programs, including tether, or substance abuse treatment. Community Corrections saved 18,823 county jail bed days (51.6 daily) during the 2000-2001 fiscal year.

In 2001, the Probation Departments in Leelanau and Antrim Counties moved into new offices. In Leelanau County, Steve Brett moved a few blocks from the courthouse to a refurbished building where he enjoys more appropriately laid out, much roomier facilities. In Antrim County, the Probation Department moved into what was formerly home of the Antrim County Sheriff's Department. These offices were completely remodeled by the County and provide much improved, much appreciated space.

COUNTY LAW LIBRARIES

In each of the three counties, the Judges and their staff have access to the respective County Law Library. The Grand Traverse County Law Library is located on the fourth floor of the County Courthouse in Traverse City. It operates in a partnership with the Grand Traverse-Leelanau-Antrim Bar Association, Grand Traverse County, and the Traverse Area District Library. The Law Library includes computer research capabilities and is open to the



Law Librarian Michelle Howard

public from 12:00 noon to 5:00 p.m. weekdays. Grace Rudd and Michelle Howard are the Law Librarians. The Library also houses the Bar Association's office, including the Traverse Attorney Referral Service.

Judge Rodgers, Staff Attorney Barbara Budros and Grace Rudd serve on the Advisory Board for the Northwestern Michigan College Paralegal Program. The NMC Paralegal Program legal research class meets in the Law Library and the students' laboratory fees are used to purchase additional resources for the library.

SPECIAL EVENTS, AWARDS AND RECOGNITIONS

LIBERTY BELL AWARD

Every year on Law Day, the Grand Traverse-Leelanau-Antrim Bar Association organizes various activities which help to introduce members of the general public to the legal system and legal profession. The Bar offers tours of the courthouse and County Law Library. The Bar staffs "Ask the Lawyer" forums in the community to answer law-related questions.

Every year a member of the community is honored as the recipient of the Liberty Bell Award. This award is traditionally presented to a non-lawyer for his/her contribution to the community and to the legal system. The recipient of the Law Day 2001 Liberty Bell Award was Gerald Anderson. Gerald is a certified addictions counselor and the liaison for the Grand Traverse Band of Ottawa and Chippewa Indians' Substance Abuse Program. Gerald is the "connection" between tribal members in need of substance abuse treatment and the program itself. Gerald responds to the jail, the court, to people's homes, and wherever he is needed to help people make the transition to a treatment program. Gerald always finds ways to get services to his clients. He educates individuals about the treatment program and helps each understand his need for treatment. He handles the placement and arranges funding. He has been responsible for saving lives. He gives unselfishly of himself and has earned the respect and admiration of many, especially those in the court system.

15 YEAR SERVICE AWARD



Mike Rader, Judicial Assistant to Judge Power, was presented with a framed etching of the Grand Traverse County Courthouse in commemoration of his 15 years of service to the Court. Mike began with the Court in 1986. He has worked with former Judges William R. Brown and Charles M. Forster and currently works with Judge Thomas G. Power.

OUTSTANDING SERVICE TO THE LEGAL COMMUNITY AWARD

Chaplain Bob Hall and his wife Jamie are clergy for the Forgotten Man Ministry, a nationally recognized organization that tries to bring Christianity to people serving jail or prison sentences. Bob Hall has been a Grand Traverse jail chaplain for over 50 years while his wife, Jamie, has been working with him for 15 years. In 1997, Chaplain Hall expanded his ministry program to include Leelanau County. In recognition of Chaplain Hall's service, the Court presented him with a framed etching of the Grand Traverse County Courthouse.



Acknowledgment

The Court would like to acknowledge and thank Mark Bonter of Copy Central for his professional assistance and excellent job printing this year's annual report.